



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,151	03/17/2004	Anton Rodi	AR-R17	6404

24131 7590 03/22/2005  
LERNER AND GREENBERG, PA  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

REIS, TRAVIS M

ART UNIT PAPER NUMBER

2859

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/804,151

Applicant(s)

RODI, ANTON

Examiner

Travis M. Reis

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040317.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4'" and "7" in Figure 3 have both been used to designate the Evaluation Unit. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Masreliez et al. (U.S. Patent 5894678).

Masreliez et al. discloses a measuring system (100) for recording angular and linear absolute values comprising a scale (300) having at least one track (340) for creating absolute values (col. 5 lines 23-24) said track being composed of at least two identically configured segments (143); a scanning head/sensor configuration (150) for measuring and recording the absolute values of each of said segments reached; a switch configuration (430, 440) (Figure 10) connected to said sensor configuration and providing a total absolute value for further processing made up of the first absolute value of said segments counted and a second absolute value of a position within a particular segment reached (Figures 1-3) (col. 5 lines 23-31; col. 10 lines 35-48); and a power supply (Vref) supplying a main voltage and an auxiliary voltage in the form of a power battery (col. 11 line 21); said switch configuration having switches connected to said power supply and switching through the auxiliary voltage when the main voltage fails in an auxiliary power mode and said sensor configuration being only used in the auxiliary power mode to determine an absolute value of the particular segment reached; wherein there is a second sensor (350) acting as a redundancy powered by the auxiliary power mode; wherein said system further comprises a comparator unit (470); and an evaluation unit (430) connected to said comparator unit and said sensor configuration, and powered by the auxiliary power mode if necessary (Figure 10), while the main voltage is interrupted, said sensor configuration outputting signals from said sensors and the signals or

parts of the signals useful for determining the absolute values of said segments are fed into said evaluation unit (col. 10 lines 1-34), said evaluation unit outputting calculated results for said segments from each of said sensors and the calculated results are compared in said comparator circuit and, if calculated results vary, there is a switch over to only one of said sensors in said sensor configuration (col. 10 lines 35-58)(Figure 10).

### ***Allowable Subject Matter***

5. Claims 2 & 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

With reference to claims 2 & 3, the prior art of record does not disclose or clearly suggest a measuring system for recording angular and linear absolute values, the measurement system comprising a first track for creating a first absolute value and a second track suitable for determining a second absolute value of a position within the segment reached, in combination with the remaining limitations in the claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoki et al. discloses a detector for didirectional movement of an extensible member in an electronic digital scale (U.S. Patent 4150282). Bergkvist discloses electronic measuring tape (U.S. Patent 4164816). Washizuka et al. discloses an electronic digital tape measure having flexible measuring tape (U.S. Patent 4316081). Nelle discloses an incremental measuring instrument (U.S. Patent 4479716). Miniarni et al. discloses an encoder for a length or angle measuring device with high accuracy (U.S. Patent 4529964). Caldwell discloses a hand held digital measuring device (U.S. Patent 4551847). Petkovic et

Art Unit: 2859

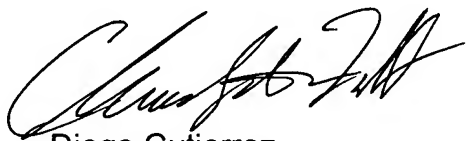
al. discloses a power operated measuring tape (U.S. Patent 5044089). Lincoln et al. discloses a measuring apparatus with readout display (U.S. Patent 5060394). Falk et al. discloses a photoelectric line measuring device with digital display (U.S. Patent 5286972). Cheng discloses a power-driven tape measure (U.S. Patent 5471761). Andermo et al. discloses an electronic caliper using a reduced offset induced current position transducer (U.S. Patent 5901458). Strasser discloses a device and method for position measuring (U.S. Patent 6029118). Nelle et al. discloses a linear encoder with a modular scale and method of producing same (U.S. Patent 6163970).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Travis M Reis  
Examiner  
Art Unit 2859

tmr  
March 21, 2005



Diego Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800

**CHRISTOPHER W. FULTON**  
**PRIMARY EXAMINER**